

the facility will be informed of the reasons for the proposed withdrawal. The operator of the facility may appeal the proposed withdrawal in writing to the Administrator within 10 days after being informed of the reasons for the proposed withdrawal. The appeal must include all of the facts and reasons upon which the person relies to show that the reasons for the proposed withdrawal are incorrect or do not support the withdrawal of the approval of the livestock facility to receive livestock moved interstate under this subchapter. The Administrator will grant or deny the appeal in writing as promptly as circumstances permit, stating the reason for his or her decision. If there is a conflict as to any material fact, a hearing will be held to resolve the conflict. Rules of practice concerning the hearing will be adopted by the Administrator. However, withdrawal shall become effective pending final determination in the proceeding when the Administrator determines that such action is necessary to protect the public health, interest, or safety. Such withdrawal shall be effective upon oral or written notification, whichever is earlier, to the operator of the facility. In the event of oral notification, written confirmation shall be given as promptly as circumstances allow. This withdrawal shall continue in effect pending the completion of the proceeding, and any judicial review thereof, unless otherwise ordered by the Administrator.

(3) Approval for a livestock facility to handle livestock under this subchapter will be automatically withdrawn by the Administrator when:

- (i) The operator of the facility notifies the Administrator, in writing, that the facility no longer handles livestock moved interstate under this subchapter; or
- (ii) The person who signed the agreement executed in accordance with paragraph (a) of this section is no longer responsible for the day-to-day operations of the facility.

[62 FR 27934, May 22, 1997, as amended at 62 FR 54758, Oct. 22, 1997; 63 FR 32119, June 12, 1998; 68 FR 62226, Nov. 3, 2003]

PART 72—TEXAS (SPLENETIC) FEVER IN CATTLE

Sec.

- 72.1 Ticks [Boophilus annulatus (Margaropus annulatus), Boophilus microplus, or Rhipicephalus evertsi evertsi]; interstate movement of infested or exposed animals prohibited.
- 72.2 Splenetic or tick fever in cattle in Texas, the Virgin Islands of the United States and vectors of said disease in the Northern Mariana Islands, the Commonwealth of Puerto Rico and the Island of Guam: Restrictions on movement of cattle.
- 72.3 Areas quarantined in the Virgin Islands of the United States, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Island of Guam.
- 72.4 [Reserved]
- 72.5 Area quarantined in Texas.
- 72.6 Interstate movement of cattle from quarantined areas not eradicating ticks.
- 72.7 Interstate movement of cattle from cooperating States.
- 72.8 Interstate movement of cattle from free premises upon inspection and certification by APHIS inspector.
- 72.9 Interstate movements of cattle; inspection and certification by APHIS inspector required.
- 72.10 Inspected or dipped and certified cattle subject to restrictions of State of destination.
- 72.11 Quarantined area; cattle considered infested; requirements for placing in non-infectious pens or premises.
- 72.12 Cattle; exposure to tick infestation after treatment or inspection prohibited.
- 72.13 Permitted dips and procedures.
- 72.14 [Reserved]
- 72.15 Owners assume responsibility; must execute agreement prior to dipping or treatment waiving all claims against United States.
- 72.16 Designated dipping stations to be approved by the Administrator, APHIS on recommendations of State authorities; facilities.
- 72.17 Unloading noninfected cattle for rest, feed, and water only, permitted in authorized pens for such purpose.
- 72.18 Movement interstate; specification by the Deputy Administrator, Veterinary Services of treatment required when dipping facilities unavailable.
- 72.19 Interstate shipments and use of pine straw, grass, litter from quarantined area; prohibited until disinfected.
- 72.20 Exhibition of noninfected cattle in the quarantined area; restrictions under which permitted.
- 72.21 Animals infested with or exposed to ticks subject to same restrictions as cattle.

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- 72.22 Cars, vehicles, and premises; cleaning and treatment after containing infested or exposed animals.
- 72.23 Cars or other vehicles having carried infested or exposed cattle in quarantined area shall be cleaned and treated.
- 72.24 Litter and manure from carriers and premises of tick-infested animals; destruction or treating required.
- 72.25 Dipping methods.

AUTHORITY: 7 U.S.C. 8301-8317; 7 CFR 2.22, 2.80, and 371.4.

SOURCE: 28 FR 5940, June 13, 1963, unless otherwise noted.

§ 72.1 Ticks [Boophilus annulatus (Margaropus annulatus), Boophilus microplus, or Rhipicephalus evertsi evertsi]; interstate movement of infested or exposed animals prohibited.

No animals infested with ticks [Boophilus annulatus (Margaropus annulatus), Boophilus microplus, or Rhipicephalus evertsi evertsi] or exposed to tick infestation shall be shipped, trailed, driven, or otherwise moved interstate for any purpose, except as provided in this part.

§ 72.2 Splenetic or tick fever in cattle in Texas, the Virgin Islands of the United States and vectors of said disease in the Northern Mariana Islands, the Commonwealth of Puerto Rico and the Island of Guam: Restrictions on movement of cattle.

Notice is hereby given that the contagious, infectious, and communicable disease known as splenetic or tick fever exists in cattle in portions of the State of Texas and the Virgin Islands of the United States. Notice is also hereby given that ticks which are vectors of said disease exist in the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Island of Guam. Therefore, portions of the State of Texas, the Virgin Islands of the United States, the Northern Mariana Islands, the Commonwealth of Puerto Rico and the Island of Guam are hereby quarantined as provided in §§ 72.3 and 72.5, and the movement of cattle therefrom into any other State or Territory or the District of Columbia shall be made only in accordance with the provisions of this part and part 71 of this chapter.

[43 FR 60864, Dec. 29, 1978]

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§ 72.3 Areas quarantined in the Virgin Islands of the United States, the Northern Mariana Islands, the Commonwealth of Puerto Rico, and the Island of Guam.

The entire Territories of the Virgin Islands of the United States and the Island of Guam, the Northern Mariana Islands, and the Commonwealth of Puerto Rico are quarantined.

[43 FR 60864, Dec. 29, 1978]

§ 72.4 [Reserved]

§ 72.5 Area quarantined in Texas.

The area quarantined in Texas is the permanent quarantined area described in the regulations of the Texas Animal Health Commission (TAHC) contained in § 41.2 of title 4, part II, of the Texas Administrative Code (4 TAC 41.2), effective April 8, 2001, which is incorporated by reference. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of 4 TAC 41.2 may be obtained from the TAHC at 2105 Kramer Lane, Austin, TX 78758, and from area offices of the TAHC, which are listed in local Texas telephone directories. The TAHC also maintains a copy of its regulations on its Internet homepage at <http://www.tahc.state.tx.us/>. Copies may be inspected at the Animal and Plant Health Inspection Service, Veterinary Services, Emergency Programs, Suite 3B08, 4700 River Road, Riverdale, MD, or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

[64 FR 41266, July 30, 1999, as amended at 67 FR 18467, Apr. 16, 2002]

§ 72.6 Interstate movement of cattle from quarantined areas not eradicating ticks.

Cattle in quarantined areas where tick eradication is not being conducted³ may be shipped or transported interstate in accordance with §§ 72.9

³Information regarding the identities of such areas may be obtained from the Animal and Plant Health Inspection Service, Veterinary Services, National Animal Health Programs, 4700 River Road Unit 43, Riverdale, Maryland 20737-1231.